

EXAMINER'S AMENDMENT

Claims 43,45-47,52-58,61 and 63-78 are currently pending and are present for examination.

Applicants' amendments and arguments filed on 09/18/2007 have been fully considered and are deemed to be persuasive to overcome the rejections previously applied. Rejections and/or objections not reiterated from previous office actions are hereby withdrawn.

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with B.J. Sadoff on 12/7/07.

The application has been amended as follows:

In the claims—

43. A method for identifying compounds that modulates adipocyte differentiation, wherein (i) a test compound is contacted with a population of genetically modified pre-adipocyte cells, wherein said genetic modification comprises introduction into said cell comprising a recombinant nucleic acid coding a REV-ERB ALPHA receptor and (ii) adipocyte differentiation of said cells is measured or determined and is compared with adipocyte differentiation of said same pre-adipocyte cells in the absence of said test compound, allowing identification of compounds that modulate adipocyte differentiation, and wherein said REV-ERB ALPHA receptor ~~comprising~~ comprises SEQ ID NO:4.

53. A method according to claim 43, wherein the recombinant nucleic acid further comprises sequence SEQ ID NO: 1 or ~~a fragment thereof comprising sequence~~ SEQ ID NO: 2.

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58. canceled.

61. A genetically modified pre-adipocyte cell, wherein said genetic modification comprises introduction into said cell ~~comprises~~ a recombinant nucleic acid coding a REV-ERB ALPHA receptor, said recombinant nucleic acid further comprising sequence SEQ ID NO : 1 or a ~~fragment thereof comprising sequence~~ SEQ ID NO: 2 said REV-ERB ALPHA comprising sequence SEQ ID NO:4.

68. A method for preparing a pre-adipocyte cell according to claim 61, wherein a recombinant nucleic acid ~~comprising a region~~ coding a REVERB ALPHA comprising sequence SEQ ID NO:4 and further comprising one or more transcriptional regulatory regions is introduced into a pre-adipocyte cell.

71. A method according to claim 68, ~~wherein it comprises~~ comprising cotransfecting the cells with a plasmid vector comprising said recombinant nucleic acid and a plasmid vector comprising an antibiotic resistance gene, and wherein the cells are selected for their resistance to said antibiotic and for their expression of said recombinant nucleic acid.

77. A method according to claim 68, wherein one transcriptional regulatory region of the recombinant nucleic acid comprises sequence SEQ ID NO: 1 or a ~~fragment thereof comprising the sequence~~ SEQ ID NO:2.

Allowable Subject Matter

Claims 43,45-47,52-57,61 and 63-78 are allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel C. Gamett, PhD., whose telephone number is (571)272-1853. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Manjunath N. Rao can be reached on 571 272 0939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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DCG

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13 December 2007

/Manjunath N. Rao, /

Supervisory Patent Examiner, Art Unit 1647